

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS
WAS HELD DECEMBER 17, 2001 AT 1:00 P.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Raymond Graham, Chairman; Mr. Joe Winkelmann, Vice Chairman;
Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks; Mr. G.
Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

AGENDA REVIEW

The Board of Supervisors reviewed the Agenda.

ARCHITECTURAL REVIEW BOARD WORK SCOPE AND 2002 PROJECTS

A work session was held with members of the newly reorganized Architectural Review Board to discuss its role and a number of proposed projects in 2002.

FAUQUIER COUNTY EMPLOYEE SERVICE AWARDS PROGRAM

The Board of Supervisors attended the Fauquier County Employee Service Awards Program.

CLOSED MEETING

Mr. Winkelmann moved to go into a closed meeting pursuant to Virginia Code Section 2.2-3711.A.7 and Section 11-52 for consultation with counsel for discussion of bid records and contracts not releasable to the public and Section 2.2-3711.A.3 for discussion of acquisition of real property for public purposes. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

| | |
|-----------------------------------|---|
| <i>Ayes:</i> | <i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

Upon reconvening from the closed meeting, Mr. Winkelmann moved to adopt the following certification. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such executive meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 17th day of December 2001, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

VOTE:

Ayes: ***Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks***

Nays: None

Absent During Vote: None

Absent During Meeting: None

The meeting was reconvened in Regular Session at 6:30 p.m. at the Marshall Community Center.

ADOPTION OF THE AGENDA

Mr. Winkelmann moved to adopt the Agenda subject to acceptance of substitute resolutions for A Resolution to the Virginia Commonwealth Transportation Board Regarding the Proposed Route 28/17 Interchange and A Resolution to Express to the Virginia Department of Transportation the Fauquier County Board of Supervisors' Interest in Considering the Extension of the Virginia Railway Express Into Fauquier County. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: ***Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks***

Nays: ***None***

Absent During Vote: ***None***

Abstention: ***None***

CITIZENS OF THE YEAR AWARDS

Citizens of the Year Awards were presented to David Graham, Marshall District; Marie Glascock, Scott District; Meade Palmer, Center District, accepted by his nephew, Mike Palmer; Robert Lee Jones, Cedar Run District; and Alice Yowell, Lee District.

CITIZENS TIME

- Barbara Ikoff, Scott District, spoke in opposition to the developer of Lake Whippoorwill opening the cul-de-sac for access through the neighboring development. Ms. Ikoff also asked the Board of Supervisors to spend money at Fauquier High School on the heating system and storage facilities, as well as considering a later start to the school day.
- Katherine Ikoff, Scott District, spoke in opposition to overcrowding and loud air conditioning at Fauquier High School.
- Chuck Medvitz, Scott District, asked the Board of Supervisors to carefully consider the issues regarding the proposed public safety radio system.
- Merle Fallon, representing American Tower Corporation, informed the Board of Supervisors that a letter had been submitted requesting that the application be withdrawn.

CONSENT AGENDA

Mr. Winkelmann moved to adopt the following Consent Agenda items. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

| | |
|----------------------------|--|
| <i>Ayes:</i> | <i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

Approval of the Minutes of the Board of Supervisors' October 4, 2001 Adjourned Meeting and the October 15, 2001 Regular Meeting

A Resolution to Revise the Timelines for the Formation, Review and Adoption of the FY 2003 Fauquier County Budget

RESOLUTION

A RESOLUTION TO REVISE THE TIMELINE FOR THE FORMATION, REVIEW AND ADOPTION OF THE FY 2003 FAUQUIER COUNTY BUDGET

WHEREAS, the County Administrator is required by the Code of Virginia to prepare and submit to the Board of Supervisors a proposed annual budget for the County; and

WHEREAS, on September 17, 2001, the Board of Supervisors adopted a budget calendar for FY 2003; and

WHEREAS, the School Division requested revisions to the budget calendar to provide additional time for the School Superintendent to prepare the School's budget; and

WHEREAS, the Board of Supervisors believes such adjustments would be beneficial to the School Division; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of December 2001, That the following revised timeline be followed for the County Administrator's FY 2003 Proposed Budget:

- The County Administrator will submit the FY 2003 Proposed Budget to the Board of Supervisors during the third week in February 2002;
- Work sessions will be scheduled as necessary to allow for detailed review of the Proposed Budget and examination of tax rates;
- The Board of Supervisors will adopt the Fauquier County FY 2003 Budget and CY 2002 tax rates prior to April 15, 2002.

REVISED Fiscal Year 2003 Budget Calendar

| August | |
|-----------------|---|
| 23 | Budget Kickoff Budget Submission Packets Distributed to Department Heads, Constitutional Officers and Agencies |
| October | |
| 9 | Budget Requests due back to Budget Office |
| 11 | New Initiative Review Team Budget Packets Distributed |
| 18 | New Initiative Review Team Results due to Budget Office |
| November | |
| 15 | Sheriff's Office and Parks & Recreation Budget Requests due to Budget Office |
| December | |
| 12 | County Administrator meets with Sheriff's Office |
| 12, 19, 20, 21 | County Administrator Meets with Department and Agency Heads & Constitutional Officers |
| February | |
| 12 | School Budget Request due to Budget Office |
| 12 | School Division Budget Briefing for County Administrator |
| 19 | Board Work Session includes Joint Session w/School Board |

| | |
|-------|---|
| 25 | County Administrator to Deliver Proposed FY 2003 Budget to Board of Supervisors |
| 27-28 | Advertise Public Hearing on County Budget and Tax Rate |

March

| | |
|-----|--|
| 4 | Board Budget Work Session |
| 6-7 | Advertise Public Hearing on County Budget and Tax Rate |
| 6-7 | Advertise Public Hearing on the CY 2002 Proposed Real Property Tax Increase |
| 13 | Board Budget Work Session |
| 13 | Public Hearing for Citizens Comments on the FY 2003 Proposed Budget and Tax Rates |
| 18 | Board Budget Work Session |
| 18* | Public Hearing for Citizen Comments on the CY 2002 Proposed Real Property Tax Increase |
| 25 | Board Budget Work Session |

April

| | |
|---|---|
| 1 | Budget and Capital Improvement Plan Adopted |
|---|---|

June

| | |
|----|---|
| 28 | Adopted Budget Book Printed/Distributed |
|----|---|

*Special Public Hearing is required due to reassessment.

Note: Additional Work Sessions will be added as necessary

A Resolution to Accept the Batting Cage Facility from Dan Lowery for the Central Sports Complex

RESOLUTION

A RESOLUTION TO ACCEPT THE BATTING CAGE FACILITY
FROM DAN LOWERY FOR THE CENTRAL SPORTS COMPLEX

WHEREAS, Dan Lowery has provided a batting cage, known as “The Batting Cage”, as a recreational and sports training facility for the citizens of Fauquier County; and

WHEREAS, Mr. Lowery is now interested in donating this facility to the County for installation at the Central Sports Complex; and

WHEREAS, the facility has merit for continuing to meet recreational and sports training needs of Fauquier citizens, especially its youth; and

WHEREAS, this facility represents a significant contribution to the County and to the increased use of the Central Sports Complex; and

WHEREAS, in addition to donating the facility, Mr. Lowery has offered to assist with installation; and

WHEREAS, the Fauquier County Parks and Recreation Board Bylaws require all donations that may entail additional funding be approved by the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of December 2001, That the donation of the batting cage facility, as offered by Dan Lowery, be, and is hereby, accepted.

A Resolution to Amend the Board of Supervisors' Legislative Proposals for the 2002 General Assembly

RESOLUTION

A RESOLUTION TO AMEND THE BOARD OF SUPERVISORS'
LEGISLATIVE PROPOSALS FOR THE 2002 GENERAL ASSEMBLY

WHEREAS, the County of Fauquier has a variety of issues and interests which require legislative action by the Virginia General Assembly; and

WHEREAS, the Virginia Association of Counties (VACo) has requested submission of such legislative proposals for consideration in the 2002 VACo Legislative Program; and

WHEREAS, the Board of Supervisors adopted its Legislative Proposals for the 2002 General Assembly Session on June 18, 2001; and

WHEREAS, from time to time the Board of Supervisors may amend its Legislative Program to include additional legislative priorities and issues; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of December 2001, That the following items be, and are hereby, adopted as the County's legislative issues for consideration by the 2002 General Assembly:

LEGISLATIVE PRIORITIES:

Adequate Public Facilities - Fauquier County supports Adequate Public Facilities legislation which would permit high growth localities, as part of their subdivision or zoning ordinance, to determine whether public facilities are adequate to support the services which will be required by the proposed subdivision or rezoning.

Impact Fees - Fauquier County continues to support legislation that would allow localities the option to assess impact fees for School Construction and other essential government services in lieu of voluntary cash proffers.

School Construction Funding - Fauquier County supports increased funding for School Construction.

School Operational Funding - Fauquier County supports the full funding of the State's share of the Standards of Quality, full funding of any categorical educational mandate, including pay raises, and full funding of the State's portion of the Standards of Learning relating to instructional technology.

Cost of Competing - Fauquier County respectfully requests those State legislators representing Fauquier County to introduce legislation to incorporate Fauquier County into the Cost of Competing School Funding Formula.

Local Revenue Authority - Fauquier County opposes any measure that would eliminate or reduce any local government revenue authority.

Local Government Zoning and Land Use Authority - Fauquier County opposes any further dilution of the zoning and land use regulatory authority of local governments.

Revenue Sharing - Fauquier County strongly supports any legislative proposal that results in the State sharing a portion of its income tax revenues with localities (provided the legislation requires more than the replacement of existing local revenue sources) and provides local flexibility in determining how it should be used.

Increased Local Authority - Fauquier County supports legislation to provide for increased local authority in planning, zoning and revenue matters through a statutory relaxation of the Dillon Rule. The relaxation of the Dillon Rule should not, however, be accompanied by a shift of responsibility for various programs from the State government to local government.

Purchase of Development Rights - Fauquier County supports increased State funding for the purchase of conservation easements and other land conservation needs.

Transfer Tax - Fauquier County supports legislation that would enable counties and cities, through local option, to enact a real estate transfer tax.

LEGISLATIVE ISSUES:

Full Funding for Public Libraries - Fauquier County supports full funding for Virginia's public libraries as specified in the Code of Virginia.

Info Powering Virginia – Fauquier County supports full funding of the Library of Virginia's technology plan to provide Internet access and other electronic resources to all citizens of the Commonwealth.

Social Services Funding - Fauquier County supports full funding of the State's share of Social Services funding to match available Federal Funding for mandated services, including prevention; full funding of workload standards including, pay raises; and full funding of State information technology used to support local social services departments.

A Resolution Approving an Exception for Travel Expenses in Accordance with Travel Policy and Procedure – Finance Office

RESOLUTION

A RESOLUTION APPROVING AN EXCEPTION FOR TRAVEL EXPENSES
IN ACCORDANCE WITH TRAVEL POLICY AND PROCEDURES

WHEREAS, the Board of Supervisors has adopted Travel Policy and Procedures that require approval of expenditures in excess of \$1,000; and

WHEREAS, the Assistant Director of Finance has requested to attend a conference and training sessions that entail a total cost estimated to be \$1,200; and

WHEREAS, this conference and training will allow the Assistant Director to maintain licensure as a Certified Public Accountant and keep abreast of government finance issues and trends; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of December 2001, That reimbursement in the amount of approximately \$1,200 for training and travel for the Assistant Director of Finance is hereby approved.

A Resolution Approving an Exception for Travel Expenses in Accordance with Travel Policy and Procedure – Office of Management and Budget

RESOLUTION

A RESOLUTION APPROVING AN EXCEPTION FOR TRAVEL EXPENSES IN
ACCORDANCE WITH TRAVEL POLICY AND PROCEDURES

WHEREAS, the Board of Supervisors has adopted Travel Policy and Procedures that require approval of expenditures in excess of \$1,000; and

WHEREAS, the Budget Director has requested to attend a conference and training sessions that entail a total cost estimated to be \$1,200; and

WHEREAS, this conference and training allow the Director to be updated on current government budget issues and financial trends; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of December 2001, That reimbursement in the amount of approximately \$1,200 for training and travel for the Budget Director is hereby approved.

A Resolution Authorizing Establishment of the Position of Building Inspector in the Department of Community Development

RESOLUTION

A RESOLUTION TO AUTHORIZE ESTABLISHMENT OF THE POSITION OF
BUILDING INSPECTOR IN THE DEPARTMENT OF COMMUNITY DEVELOPMENT

WHEREAS, the field inspection workload of the Building Division of Community Development has increased fifty percent (50%) over the past five years; and

WHEREAS, no additional inspection staff has been added during this period; and

WHEREAS, an additional full time Building Inspector position is requested to ensure that the Division meets its objective under State Mandate 36-105; and

WHEREAS, the objective of State Mandate 36-105 is to ensure, through the field inspection program, that all buildings and structures erected in Fauquier County are constructed in compliance with the Uniform State Building Code; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of December 2001, That the position of Building Inspector be established within the Department of Community Development.

A Resolution Authorizing the Chairman of the Fauquier County Board of Supervisors to Execute an Agreement Granting a Franchise for the Use of the County and State Rights-of-way for the Operation of a Cable Television System to Adelphia for a Period of Fifteen Years for the Agreement and Providing an Effective Date

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE FAUQUIER COUNTY
BOARD OF SUPERVISORS TO EXECUTE AN AGREEMENT GRANTING TO ADELPHIA
A FRANCHISE FOR USE OF THE COUNTY AND STATE RIGHTS-OF WAY FOR THE
OPERATION OF A CABLE TELEVISION SYSTEM FOR A PERIOD OF FIFTEEN (15)
YEARS FOR THE AGREEMENT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Fauquier County is authorized to grant, renew and deny franchises for the installation, operation and maintenance of cable systems and otherwise regulate the provision of cable service in the County; and

WHEREAS, Adelphia Prestige Cablevision, L.L.C. d/b/a Adelphia Cable Communications (Grantee) has agreed to comply with the provisions of a new regulatory Ordinance of the County titled "Franchising and Regulation of Cable Television Systems" (Cable Ordinance); and

WHEREAS, Grantee has initiated an upgrade of the existing system facilities and has agreed to provide other benefits to the County, its residents and subscribers; and

WHEREAS, the County has undertaken an extensive review of cable television service in the County, the record of service, facilities, and the cable-related community needs of both the present and future, Grantee's ability to carry out its commitments, and its overall financial, legal and technical qualifications to hold a franchise; and

WHEREAS, the County has reviewed Grantee's performance under the previous franchise, the quality of Grantee's cable service, without regard to the mix or quality of that service, Grantee's financial, legal and technical ability to provide cable service in the County, and whether Grantee's upgrade proposal will fulfill the County's future cable related needs and interests and, based on this review and the information available to it at the time, and considering other relevant factors, the County has determined that renewing Grantee's Franchise under the following conditions will further the public interest; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of December 2001,

That a Franchise for the operation of a Cable System in the County is hereby granted to Adelphia Prestige Cablevision, L.L.C. d/b/a Adelphia Cable Communications subject to the Cable Ordinance and the terms and conditions of the Cable Television Franchise Agreement between Adelphia and the County of Fauquier, a copy of which agreement is attached hereto and incorporated herein; and, be it

RESOLVED FURTHER, That the terms and conditions detailed herein are in full satisfaction of all existing claims or obligations that the County may have had under the Franchise assumed by Adelphia on _____ from Prestige Cablevision, Inc.; and, be it

RESOLVED FURTHER, That the Chairman of the Board of Supervisors be, and is hereby, authorized to execute on behalf of the County of Fauquier the Cable Television Franchise Agreement; and, be it

RESOLVED FINALLY, That this resolution shall be effective upon adoption.

A Resolution Referring to the Planning Commission for its Consideration and Recommendation the Removal of the Route 28/17 Interchange from Map 10.3 of the Bealeton Service District Transportation Plan

RESOLUTION

A RESOLUTION REFERRING TO THE PLANNING COMMISSION FOR ITS CONSIDERATION AND RECOMMENDATION THE REMOVAL OF THE ROUTE 28/17 INTERCHANGE FROM MAP 10.3 OF THE BEALETON SERVICE DISTRICT TRANSPORTATION PLAN

WHEREAS, in July of 2001, the Fauquier County Board of Supervisors, by resolution, transmitted its recommended Six-Year Improvement Program to VDOT; and

WHEREAS, Route 28 was ranked as its second priority recommendation; and

WHEREAS, the recommendation requested that VDOT suspend critical implementation along Route 28, with the exception of spot/safety improvements from Routes 15/29 to the Prince William County line. The suspension will last until the planning process, which shall re-examine roadway alternatives, is completed for the five service districts through which the major primary highway passes; and

WHEREAS, at its December 6, 2001 public hearing, the Commonwealth Transportation Board considered the plan which includes the \$14.5 million Route 28/17 interchange and will consider voting on the plan at its December 18, 2001 meeting; and

WHEREAS, it has not been demonstrated that the referenced interchange is needed at that location; and

WHEREAS, the County has technical transportation information demonstrating such an interchange is not required; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of December 2001, That the Planning Commission conduct a public hearing on January 31, 2002 for its consideration and recommendation regarding the removal of the Route 28/17 interchange and the Route 17/805 corridor interchange as identified on Map 10.3 for the Bealeton Service District in the Comprehensive Plan.

A Resolution Supporting the Proposed Road Closure for the Reconstruction of the Route 615 Bridge Over Deep Run at the Fauquier and Stafford County Line

RESOLUTION

A RESOLUTION SUPPORTING THE PROPOSED ROAD CLOSURE FOR THE
RECONSTRUCTION OF THE ROUTE 615 BRIDGE OVER DEEP RUN AT THE
FAUQUIER AND STAFFORD COUNTY LINE

WHEREAS, Route 615 serves as a connection between Fauquier and Stafford Counties; and

WHEREAS, the Route 615 bridge over Deep Run along the Fauquier and Stafford County line is in poor repair; and

WHEREAS, the Virginia Department of Transportation (VDOT) Fredericksburg Residency has funding to replace the bridge; and

WHEREAS, the replacement of the Route 615 bridge over Deep Run would be facilitated by closing Route 615 between Fauquier and Stafford Counties; and

WHEREAS, at its meeting on November 28, 2001, the Fauquier County Transportation Committee approved a motion recommending that the Fauquier County Board of Supervisors forward a resolution to the Virginia Department of Transportation supporting the closure of Route 615; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of December 2001, That the Board is in support of the closure of Route 615 during the replacement of the bridge over Deep Run.

Preliminary Subdivision Application – Wankoma Village, Phase V

No action was taken.

Preliminary Subdivision Application – Paynewood Estates

No action was taken.

**A RESOLUTION TO PROVIDE GUIDANCE TO THE COUNTY ADMINISTRATOR
RELATED TO THE PREPARATION OF THE COUNTY ADMINISTRATOR'S
BUDGET FOR FY 2003**

Ms. McCamy moved to adopt a resolution to provide guidance to the County Administrator in preparation of his FY 2003 Budget to establish a separate, lower personal property tax rate for boats and boat motors, consistent with the rate established for motor homes and campers. Mr. Winkelmann seconded, and the vote for the motion was 2 to 3, as follows:

| | |
|----------------------------|--|
| <i>Ayes:</i> | <i>Ms. Sharon McCamy; Mr. Larry L. Weeks</i> |
| <i>Nays:</i> | <i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton;</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

PRELIMINARY SUBDIVISION APPLICATION – BROOKSIDE FARM

Mr. Weeks moved to postpone indefinitely the Preliminary Subdivision Application for Brookside Farm. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

| | |
|----------------------------|--|
| <i>Ayes:</i> | <i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

**SPECIAL EXCEPTION – R. CARL AND CAROLYN G. FALLER,
OWNERS/APPLICANTS**

A public hearing was held at the October 15, 2001 meeting to consider a request for special exception approval for R. Carl and Carolyn G. Faller, Owners/Applicants, to hold special events such as garden weddings, receptions, picnics, community-related arts, cultural, and fundraising for charitable, non-profit and educational activities on a 3.99 acre parcel. The property is located on Courtney's Corner Road (Route 637) two miles southwest of Route 17, Lee District, PIN 7806-31-1634-000. Ms. McCamy moved to adopt the following resolution to deny the request. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: ***Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton;
Ms. Sharon McCamy; Mr. Larry L. Weeks***
Nays: ***None***
Absent During Vote: ***None***
Abstention: ***None***

RESOLUTION

**A RESOLUTION TO DENY SPECIAL EXCEPTION #SE01-L-19
CARL & CAROLYN FALLER
PIN 7806-31-1634-000, OUTDOOR WEDDINGS AND SPECIAL EVENTS**

WHEREAS, Carl and Carolyn Faller, owners and applicants, have filed an application to allow for Class C Spectator and Non-Spectator Field Events and Activities under the provisions of Articles 5-916 of the Fauquier County Zoning Ordinance; and

WHEREAS, the Planning Commission held a public hearing on this application on August 30, 2001, and has made a recommendation to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has considered the written and orally presented information of the applicants and conducted a public hearing on this application; and

WHEREAS, on October 15, 2001, the Board of Supervisors held a public hearing to consider this request; and

WHEREAS, the Board of Supervisors has determined that the application does not satisfy the general standards of Article 5-006 of the Zoning Ordinance and that the application is not in substantial conformance with the Comprehensive Plan; and

WHEREAS, the Board of Supervisors has also determined that Standard #2 in Article 5-916 of the Zoning Ordinance is not satisfied in that the four acre parcel is not adequate to serve the purposes of promoting public health, safety and welfare to an equivalent degree as that of the required fifty acre parcel size; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of December 2001, That the application by Carl and Carolyn Faller for holding Class C Spectator and Non-Spectator Field Events and Activities on Parcel Identification Number 7806-31-1634-000 be, and is hereby, denied.

SPECIAL EXCEPTION – SMITH-MIDLAND CORPORATION, OWNER/APPLICANT

A public hearing was held at the September 17, 2001 meeting to consider a request for special exception approval for Smith-Midland Corporation, Owner/Applicant, to allow existing fill material to remain within the floodplain. The fill area is currently used as parking for Smith-Midland employees and it is estimated that approximately 0.29 acres of the parking area is located in the floodplain. The property is part of a twelve-acre parcel located on the west side of Licking Run in the Midland Service District, PIN 7900-75-6202-000, Cedar Run District. Mr. Graham moved to table the decision until the January 22, 2002 meeting. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: ***Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton;
Ms. Sharon McCamy; Mr. Larry L. Weeks***
Nays: ***None***
Absent During Vote: ***None***
Abstention: ***None***

SPECIAL EXCEPTION – D.C. DIAMOND CORPORATION, OWNER/APPLICANT

A public hearing was held at the November 19, 2001 meeting to consider a request for special exception approval for D.C. Diamond, Corporation, Owner/Applicant, to construct a roadway, which would cross an existing floodplain area. The proposed crossing of a tributary of Licking Run would carry the principal road serving the Southcoate Village Subdivision. The property is located on the northwest side of Catlett Road (Route 28), south of its intersection with Schoolhouse Road (Route 661) in the Bealeton Service District, PIN #6889-32-6944-000, Lee District. Ms. McCamy moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: ***Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton;
Ms. Sharon McCamy; Mr. Larry L. Weeks***
Nays: ***None***
Absent During Vote: ***None***
Abstention: ***None***

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE01-L-12 DC DIAMOND CORPORATION FLOODPLAIN CROSSING PIN 6889-32-6944-000

WHEREAS, the DC Diamond Corporation, owner and applicant, has filed an application to allow for the construction of a floodplain crossing under the provisions of Article 5-2301 of the Fauquier County Zoning Ordinance; and

WHEREAS, the Planning Commission held a public hearing on this application on July 26, 2001 and made a unanimous recommendation of approval to the Board of Supervisors on September 27, 2001; and

WHEREAS, the Board of Supervisors has considered the written and orally presented information of the applicants and conducted a public hearing on this application; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the applicable general standards in Article 5 of the Zoning Ordinance and that the application is in substantial conformance with the Comprehensive Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of December 2001, That the application by DC Diamond Corporation for a floodplain crossing be, and is hereby, approved, subject to the following conditions:

1. The special exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This special exception is granted only for the purpose(s), structure(s) and/or uses indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. With respect to the floodplain conditions, any final subdivision plat submitted pursuant to this special exception shall be in general conformance with the special exception plat dated May 12, 2001 and revised through June 18, 2001.
4. There shall be no significant increase in flood levels or velocity of floodwaters offsite as a result of this floodplain crossing, as determined to the satisfaction of the County Engineer prior to construction plan approval for Phase 3 of the development.
5. Prior to construction plan approval for Phase 3 of the development, the applicant shall obtain a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA). The applicant shall request a final Letter of Map Revision (LOMR) within ninety days of completing construction of the floodplain crossing. Bonding will be required to cover the amount of the LOMR fee, the as-built plans and any other requirements as outlined in FEMA's CLOMR.

6. The floodplain study submitted to FEMA shall include the crossing and roadways necessary for both Southcoate Village Drive and Logan Way from its intersection with Southcoate Village Drive to the property line adjacent to Parcel I.D. # 6889-54-9393-000 (Gordon), and shall be sized to include future trail construction.
7. The Final Plat for each phase of the subdivision shall show the revised floodplain limits. In no instance shall more than 25% of any individual residential lot be covered with floodplain.
8. The floodplain crossing shall use a "Con-span" design. Such design shall be indicated on the final subdivision plat.
9. Any land disturbed within the floodplain shall be stabilized with either temporary or permanent seed in accordance with Virginia Erosion and Sediment Control Regulations.
10. Prior to the issuance of any additional land disturbing permits for this project, the applicant shall submit written evidence indicating to the County Engineer that the U.S. Army Corps of Engineers has approved any disturbance within wetland area.

REZONING REQUEST – DONALD R. THARPE, TRUSTEE, OWNER/APPLICANT

A public hearing was held at the November 19, 2001 meeting to consider a request from Donald R. Tharpe, Trustee, Owner/Applicant, to rezone approximately two acres of an 85-acre parcel from RA (Agricultural) to C-1 (Commercial Neighborhood) for the purpose of constructing a financial institution. The property is located at the intersection of Marsh Road (U.S. Route 17) and Independence Avenue, adjacent to the Liberty High School site, PIN #6899-29-5691-000, Lee District. Ms. McCamy moved to adopt the following ordinance. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

| | |
|-----------------------------------|---|
| <i>Ayes:</i> | <i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

ORDINANCE

AN ORDINANCE TO APPROVE REZONING #RZ01-L-07 THARPE PROPERTY PIN 6899-29-5691-000

WHEREAS, Donald Tharpe, owner and applicant, has initiated a request to rezone a two-acre portion of an 85 acre parcel (PIN 6899-29-5691-000) from Rural Agricultural (RA) to C-1 (Commercial Neighborhood); and

WHEREAS, the applicant has filed an application to amend the Fauquier County Zoning Map in accordance with the provisions of Article 13-202 of the Fauquier County Zoning Ordinance; and

WHEREAS, the proposed rezoning is consistent with the Comprehensive Plan; and

WHEREAS, on September 27, 2001, the Fauquier County Planning Commission held a public hearing on the rezoning request of Donald Tharpe; and

WHEREAS, at its meeting on October 25, 2001, the Fauquier County Planning Commission approved a motion recommending approval of the requested rezoning; and

WHEREAS, on November 19, 2001, the Board of Supervisors held a public hearing on this rezoning request; and

WHEREAS, by the adoption of this Ordinance, the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this amendment to the Fauquier County Zoning Map; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 17th day of December 2001, That Rezoning Request #RZ01-L-07, to change the zoning designation of the two acre portion of the parcel identified as PIN 6899-29-5691-000 and identified on the applicant's rezoning plat dated August 15, 2001, from RA (Rural Agricultural) to C-1 (Commercial Neighborhood) be, and is hereby, approved. Development of the property shall be in conformance with the proffer statement dated _____, 2001, and the Concept Development Plan dated October 17, 2001.

A RESOLUTION TO THE VIRGINIA COMMONWEALTH TRANSPORTATION BOARD REGARDING THE PROPOSED ROUTE 28/17 INTERCHANGE

Ms. McCamy moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

| | |
|-----------------------------------|---|
| <i>Ayes:</i> | <i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

RESOLUTION

**A RESOLUTION TO THE VIRGINIA COMMONWEALTH
TRANSPORTATION BOARD REGARDING THE PROPOSED
ROUTE 28/17 INTERCHANGE**

WHEREAS, the Fauquier County Board of Supervisors, by resolution, transmitted its recommended Six-Year Improvement Program to VDOT in July of 2001; and

WHEREAS, Route 28 was the second ranked recommendation in priority; and

WHEREAS, the recommendation requested that VDOT suspend critical implementation along Route 28, with the exception of spot/safety improvements from Routes 15/29 to the Prince William County line. The suspension will last until the planning process, which shall re-examine roadway alternatives, is completed for the five service districts through which the major primary highway passes; and

WHEREAS, the County is in the process of concluding its Comprehensive Plan Update, which included the entire Route 28 corridor as a major component, with expenditures for transportation and planning consultants; and

WHEREAS, VDOT representatives have been invited and have participated in the planning process, which included citizen planning committee meetings representing the communities of Bealeton, Calverton, Catlett, Midland, Opal and Remington; and

WHEREAS, these communities have prepared plans, including parallel local access roads with reverse frontage subdivision lots and by-passes, to accommodate Route 28 traffic without the referenced interchange; and

WHEREAS, the County's study and results have demonstrated that an interchange is not warranted within the twenty year planning period (2001-2020), and that there are other far more critical intersectional improvements needed along the entire Route 28 and 29 corridors; and

WHEREAS, it has been demonstrated through technical study that added lanes for turning movements can accommodate VDOT traffic projections for this Bealeton intersection through 2020; and

WHEREAS, it is reprehensible that no communication nor coordination has been initiated by VDOT or its consultant regarding the proposed interchange location and design with Fauquier County; and

WHEREAS, the proposed Route 28/17 interchange:

- ignores Fauquier County planning efforts and the establishment of a viable town center for Bealeton;
- ignores local access and land use needs;
- establishes seven traffic signals and several left turns which will induce Route 17 traffic to choose a local collector residential road for relief (Reynard's Crossing and Bealeton Station);
- presents situations whereby access to existing businesses will of necessity be rerouted through private parking lots, with all businesses around this proposed interchange experiencing lowered accessibility; and
- consumes significant portions of right-of-way from Fauquier County property which includes the existing Liberty High School and Grace Miller Elementary School; and

WHEREAS, the proposed interchange has disastrous and devastating impacts on the existing and planned Bealeton town center, which will provide a pedestrian scaled community carefully linking residential neighborhoods with local schools, parks, office and retail areas, the library, and post office; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of December 2001, That it submits its strongest opposition to the Commonwealth Transportation Board regarding the inclusion of the \$14.5 million Route 28/17 interchange in the VDOT Six Year Transportation Plan since it is inappropriate and not required at this location for the reasons cited herein; and, be it

RESOLVED FURTHER, That any available funding be first reallocated for the critical Route 29/215 intersection and Route 215 improvements, where level of service is approaching F, and that remaining funds be allocated to the urgent safety improvements at key intersections along the entire length of Route 28 where signalization and turning lanes are needed.

RECONSIDERATION OF REZONING REQUEST FOR ANN B. AND ELIZABETH B. PURYEAR, OWNERS, AND LYNNDY M. REID, APPLICANT

A public hearing was held at the November 19, 2001 meeting to consider a request from Ann B. and Elizabeth B. Puryear, Owners, and Lynndy M. Reid, Applicant, to rezone a three acre portion of a seven acre parcel from RA (Rural Agricultural) to R-1 (Residential) for the purpose of creating one new residential building lot. Following the public hearing, the request was approved. Mr. Graham moved to reconsider action taken at the November 19, 2001 meeting. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

| | |
|----------------------------|--|
| <i>Ayes:</i> | <i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

Mr. Graham moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

| | |
|----------------------------|--|
| <i>Ayes:</i> | <i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

RESOLUTION

A RESOLUTION TO DENY REZONING #RZ01-CR-06 PURYEAR PROPERTY PIN 7817-83-9479-000

WHEREAS, Ann and Elizabeth Puryear, the owners, and Lynndey Reid, the applicant, have initiated a request to rezone a three acre portion of a seven acre parcel (PIN 7817-83-9479-000) from Rural Agricultural (RA) to R-1 (Residential); and

WHEREAS, the applicant has filed an application to amend the Fauquier County Zoning Map in accordance with the provisions of Article 13-202 of the Fauquier County Zoning Ordinance; and

WHEREAS, on August 30, 2001, the Fauquier County Planning Commission held a public hearing on the rezoning request of Puryear and Reid and forwarded a recommendation to the Board of Supervisors; and

WHEREAS, the Board of Supervisors on November 19, 2001, held a public hearing and approved this rezoning request; and

WHEREAS, the Board of Supervisors has reconsidered its original action and determined that in light of a recent Zoning Ordinance text amendment, the applicant has other reasonable alternatives to subdivide the property; and

WHEREAS, the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice would not be satisfied by this amendment to the Fauquier County Zoning Map; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of December 2001, That Rezoning Request #RZ01-CR-06 to change the zoning designation of the three acre portion of the parcel identified as PIN 7817-83-9479-000 and identified on the applicant's rezoning plat dated July 17, 2001, from RA (Rural Agricultural) to R-1 (Residential) be, and is hereby, denied.

Mr. Graham then moved to refund \$680.00 to the applicant for fees relating to this rezoning request. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

| | |
|----------------------------|---|
| Ayes: | <i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks</i> |
| Nays: | <i>None</i> |
| Absent During Vote: | <i>None</i> |
| Abstention: | <i>None</i> |

**A RESOLUTION TO AUTHORIZE A TEMPORARY PUMP AND HAUL FOR
BEALETON STATION, PHASE II, SECTION II**

Ms. McCamy moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

| | |
|-----------------------------------|---|
| <i>Ayes:</i> | <i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

RESOLUTION

**A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO
SIGN AN APPLICATION TO THE HEALTH DEPARTMENT FROM BEALETON
LANDMARKS, LLC FOR A TEMPORARY PUMP AND HAUL PERMIT
INDICATING THE COUNTY'S CONCURRENCE WITH THE APPLICATION**

WHEREAS, Bealeton Landmarks, LLC, is in the process of developing the properties known as Bealeton Station, Phase IIB, Section II, for the purpose of creating a subdivision consisting of single family homes; and

WHEREAS, the Board of Supervisors has approved this subdivision plan for the second phase of its development; and

WHEREAS, the opening of the second phase of development is dependent upon the availability of water and sewer, but the new approved pump station will not be available to this development until approximately the summer of 2002; and

WHEREAS, the company known as Bealeton Landmarks, LLC, has made every effort to have sewer available to Phase II in a timely manner; and

WHEREAS, events have occurred beyond the control of Bealeton Landmarks, LLC, that have delayed construction of the new pump station; and

WHEREAS, Bealeton Landmarks, LLC, has coordinated with the Virginia Department of Health and Fauquier County Water and Sanitation Authority to design facilities for a temporary pump and haul system, which is adequate to meet the needs of nineteen of thirty-nine new single family dwellings until the new pump station is completed; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of December 2001, That the Fauquier County Board of Supervisors concurs with Bealeton Landmarks, LLC's application for a permit to use a temporary pump and haul system, for a period not to exceed twelve months from the date of this resolution, for the property known as Bealeton Station, Phase IIB, Section II, nineteen of thirty-nine single family dwellings; and, be it

RESOLVED FURTHER, That the County Administrator is hereby authorized to sign the application for the Fauquier County Board of Supervisors indicating the Board's concurrence and transmit this resolution to the Fauquier County Health Department.

A RESOLUTION TO EXPRESS TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION THE FAUQUIER COUNTY BOARD OF SUPERVISORS' INTEREST IN CONSIDERING THE EXTENSION OF THE VIRGINIA RAILWAY EXPRESS INTO FAUQUIER COUNTY

Mr. Graham moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

| | |
|----------------------------|--|
| <i>Ayes:</i> | <i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

RESOLUTION

A RESOLUTION TO EXPRESS TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION THE BOARD OF SUPERVISORS' INTEREST IN CONSIDERING THE EXTENSION OF THE VIRGINIA RAILWAY EXPRESS INTO FAUQUIER COUNTY

WHEREAS, the Fauquier County Board of Supervisors is appreciative of the many efforts of the Virginia Department of Transportation (VDOT) to explore cost effective transportation alternatives, including commuter rail, within Northern Virginia; and

WHEREAS, the Board of Supervisors is committed to examining all viable options available to address the transportation needs of Fauquier County commuters; and

WHEREAS, representatives from the Fauquier County Board of Supervisors met with representatives from the Virginia Railway Express (VRE) on October 15, 2001 to discuss preliminary information obtained from VRE concerning the costs associated with extending commuter rail service into Fauquier County; and

WHEREAS, members of the Board of Supervisors held a conference call on December 12, 2001 with the Commissioner of the Virginia Department of Transportation (VDOT) to further explore the possibility of extending VRE into Fauquier County; and

WHEREAS, the Board of Supervisors, based upon these discussions, is desirous of further consideration of the VRE extension; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of December 2001, That the Fauquier County Board of Supervisors does hereby express to the Virginia Department of Transportation its interest in considering the extension of the Virginia Railway Express into Fauquier County; and, be it

RESOLVED FURTHER, That the Board of Supervisors does hereby request the Virginia Department of Transportation to work with Fauquier County and the Virginia Railway Express to refine initial construction and operating cost estimates for the construction of station(s) within Fauquier County to determine anticipated construction costs, funding alternatives and the local funding requirements associated with VRE; and, be it

RESOLVED FINALLY, That the Board of Supervisors does hereby direct the County Administrator to review successful Transportation Enhancement Act (TEA-21) grant applications relating to the construction and/or renovation of train stations within the Commonwealth and to make recommendations, as appropriate, concerning grant funding opportunities.

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- Kristine Weir was appointed to the Capital Improvements Program Committee for a term ending December 31, 2003.
- Carl Bailey was reappointed to the Parks and Recreation Board representing Cedar Run District for a term ending December 31, 2003.
- Joe Winkelmann was reappointed to the Parks and Recreation Board representing Center District for a term ending December 31, 2003.

SUPERVISORS TIME

- Mr. Winkelmann announced that the Public Library employees had collected over six hundred books to be donated to the Department of Social Services to give to children receiving services.

PROPOSED LEASE OF A PORTION OF PARCELS OF LAND TO THE FAUQUIER YOUTH SPORTS COORDINATION COUNCIL, INC.

A public hearing was held to consider a proposed lease of land for Northern and Central sports fields and to consider a proposed resolution authorizing the Chairman of the Board of Supervisors to execute a Lease, Development and Operation Agreement for the Northern Sports Field Sites with the Fauquier Youth Sports Coordination Council, Inc. No one spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following resolution. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton;
Ms. Sharon McCamy; Mr. Larry L. Weeks*
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO EXECUTE A SPORTS FIELD LEASES DEVELOPMENT AND OPERATION AGREEMENT FOR THE NORTHERN SITE

WHEREAS, the Board of Supervisors has acquired 88.6725 acres of real property, more or less, said acreage being more particularly described as PIN 6070-40-3474-000, located at 7500 John Marshall Highway, Marshall Magisterial District; and

WHEREAS, the Board of Supervisors has determined that a portion of the aforesaid parcel should be leased for the development and operation of sports fields, said acreage being more particularly described on the plat attached as Exhibit "A" to the Sports Field Lease, Development and Operation Agreement for the Northern Site; and

WHEREAS, as required by law, the Board of Supervisors has held a public hearing on the proposed Sports Field Lease, Development and Operation Agreement for the Northern Site; and

WHEREAS, by adoption of this resolution, the Board of Supervisors has determined it to be in the best interest of the citizens of the County to enter into the Sports Field Lease, Development and Operation Agreement for the Northern Site with Fauquier Youth Sports Coordination Council, Inc.; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of December 2001, That the Chairman of the Board of Supervisors be, and is hereby, authorized to execute on behalf of the County a Sports Field Lease, Development and Operation Agreement for the Northern Site, a copy of which agreement is filed in the County Administrator's Office.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING – CATLETT-CALVERTON SEWER PLANNING PROJECT

A public hearing was held to receive citizens' comments regarding the needs of the Catlett-Calverton communities and the possible application for grant assistance to correct existing septic system problems. No one spoke. Due to advertising requirements, Mr. Graham moved to continue the public hearing at the January 22, 2002 meeting. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton;
Ms. Sharon McCamy; Mr. Larry L. Weeks*
Nays: None
Absent During Vote: None
Abstention: None

TRANSPORTATION ENHANCEMENT IMPROVEMENT PROJECT FOR THE BEALETON DEPOT

A public hearing was held to receive citizens' comments regarding a proposed grant application for Transportation Enhancement Improvement Program for development of the Bealeton Depot. No one spoke. The public hearing was closed. No action was required.

SUBDIVISION ORDINANCE TEXT AMENDMENT – APPROVING AUTHORITY REVIEW AND APPROVAL OF FINAL PLATS

A public hearing was held to consider amending Sections 10-6, 10-7 and 10-9 of the Fauquier County Subdivision Ordinance to insert language which substitutes the Board of Supervisors as the approval authority for final plats in lieu of the agent for subdivision administration which is currently the Director of Community Development or the Chief of Planning. No one spoke. The public hearing was closed. Ms. McCamy moved to table the decision until the January 22, 2002 meeting. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton;
Ms. Sharon McCamy; Mr. Larry L. Weeks*
Nays: None
Absent During Vote: None
Abstention: None

REVISION TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT FEE SCHEDULE

A public hearing was held to consider amending the Department of Community Development Fee Schedule. No one spoke. The public hearing was closed. Mr. Winkelmann moved to table the decision until the January 22, 2002 meeting. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton;
Ms. Sharon McCamy; Mr. Larry L. Weeks*
Nays: None
Absent During Vote: None
Abstention: None

ZONING ORDINANCE TEXT AMENDMENT – PERMIT FUNDRAISING BY LOCAL NON-PROFIT AND GOVERNMENTAL ENTITIES AS AN ACCESSORY USE TO GOVERNMENTAL ATHLETIC RECREATION USES

A public hearing was held to consider amending Section 6-102 of the Zoning Ordinance by adding Number 28 to permit fundraising by local non-profit and governmental entities as an accessory use to governmental athletic recreation uses. Rebecca McClellem spoke in opposition to the amendment. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

ORDINANCE

**AN ORDINANCE APPROVING THE AMENDMENT TO
SECTION 6-102 OF THE FAUQUIER COUNTY ZONING ORDINANCE
TO ADD NUMBER 28 TO ALLOW FUNDRAISING AS A PERMITTED
ACCESSORY USE TO GOVERNMENTAL ATHLETIC RECREATIONAL USES**

WHEREAS, the Fauquier County Zoning Ordinance currently permits Governmental Athletic Recreational Uses in all zoning districts with site plan approval; and

WHEREAS, groups proposing to develop, construct, use and maintain the facilities have requested the ability to hold fundraising activities at sites; and

WHEREAS, this amendment would make fundraising, as defined in the standards, a permitted accessory use to Governmental Athletic Recreational Uses; and

WHEREAS, a no fee administrative permit would be required from the Zoning Administrator to ensure compliance with Health Department and similar regulations; and

WHEREAS, the Fauquier County Planning Commission, after an August 30, 2001 public hearing and additional refinement, voted November 29, 2001 to forward a recommendation that the Board of Supervisors adopt the referenced text amendment ordinance; and

WHEREAS, the Fauquier County Board of Supervisors held a public hearing on December 17, 2001; and

WHEREAS, the Fauquier County Board of Supervisors has determined that adoption of this amendment would be in keeping with the intent of the Zoning Ordinance and would be in the public's best interest; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 17th day of December 2001, That Section 6-102 be amended by adding number 28 to permit fundraising as an accessory use to Governmental Athletic Recreational Uses. The section will be amended to read as follows:

28. Fundraising by local non-profit and governmental entities at governmental athletic recreational uses permitted pursuant to Section 3-311.18 of this Ordinance, if the accompanying standards are met. Fundraising is defined as the raising of funds for the development and operation of the governmental athletic property upon which the event is held. A no-fee administrative permit is required.

For purposes of this definition, the term “event” shall not include any sports competitions in which youth or local adults are the principle users of the facility. Fundraising shall be subject to the following performance standards.

- A. In no event shall fireworks, hot air balloons or helicopters be used for any event(s).
- B. In no case shall attendance exceed 1,000, based upon the capacity of the facility.
- C. The maximum number of events shall not exceed two (2) in any calendar week.
- D. All grass areas used for parking shall be mowed and maintained as to minimize the risk of vehicle and field fires.
- E. The non-profit or governmental entity shall provide adequate security, emergency services, traffic control, sanitation and refreshment services at every event activity.
- F. The applicant shall require its employees/volunteers and all invitees to strictly comply with State burning laws and copies of such laws shall be posted on site.
- G. The applicant shall conform at all times to County Health Department regulations.
- H. All uses under this category shall be conducted so as to meet all noise performance standards enumerated in Article 9 of the Fauquier County Zoning Ordinance.
- I. During events with outdoor music or amplified sound, the maximum permitted sound pressure noise levels shall not exceed 60 decibels at the property line(s).
- J. All events shall be conducted between the hours of 8:00 a.m. and 11:00 p.m. provided that all outdoor music shall cease no later than 10:00 p.m. Event preparation and breakdown shall cease by 11:00 p.m.
- K. All lighting shall be in conformance with the Fauquier County Zoning Ordinance and positioned downward, inward and shielded to eliminate glare from all adjacent properties.
- L. Virginia Department of Transportation approval and installation of entrance shall occur prior to any event being held.

FAUQUIER COUNTY FY 2002 BUDGET AMENDMENT IN THE AMOUNT OF \$1,601,688

A public hearing was held to consider amending the Fauquier County FY 2002 Budget in the amount of \$1,601,688. No one spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following resolution. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO AUTHORIZE FY 2002 BUDGET TRANSFERS AND SUPPLEMENTAL APPROPRIATIONS IN THE AMOUNT OF \$1,601,688

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County and during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the School Division requested appropriation of \$86,108 for State Standards of Learning Training Initiative, \$25,695 for State Standards of Learning Remediation, \$8,392 for State At Risk Four-Year Olds Program, \$29,916 for State Funding for Rappahannock County's Alternative Education, \$8,400 for Prepaid Services of filtering Internet access, \$17,227 for Marshall Middle School Construction and \$863,885 for multiple School Division requests from FY 2001 Carryover - Fund Balance; and

WHEREAS, the Sheriff's Office requested appropriation of \$2,209 from Federal Funds for Share of Forfeiture Proceeds – DEA Group 33; and

WHEREAS, the Clerk of the Circuit Court requested appropriation of \$2,400 in State funding for two computers and printers and \$15,037 for an Accounting Clerk Position from the Contingency Reserve; and

WHEREAS, the Registrar requested appropriation of \$20,417 for an Assistant Registrar Position from the Contingency Reserve; and

WHEREAS, the Human Resources Department requested reappropriation of \$11,048 from FY 2001 Carryover – Fund Balance for employee training; and

WHEREAS, Community Development requested appropriation of \$33,359 for funding of a Building Inspector Position from local building permit fees; and

WHEREAS, the Office of Emergency Services requested reappropriation of \$124,000 for four vehicle replacements from the Fire and Rescue Fund Balance; and

WHEREAS, Fire and Rescue requested reappropriation of \$348,595 for funding capital issues of the Fire and Rescue Companies from the Fire and Rescue Fund Balance; and

WHEREAS, Parks and Recreation requested appropriation of \$5,000 from Contingency Reserve funding to move a donated Batting Cage; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of December 2001, That the sum of \$1,601,688 in additional budget related actions be carried over, transferred, or appropriated as follows:

| Source | FROM Code | Amount | Department | TO Code | Amount |
|--------------------------|-------------------|-----------|------------------------|------------------------------|-----------|
| Fund Balance – Carryover | 3-100-419000-0010 | \$86,108 | School Division | 4-205-61310-5541-200-001-000 | \$86,108 |
| Fund Balance – Carryover | 3-100-419000-0010 | \$25,695 | School Division | 4-205-61310-6029-200-001-000 | \$25,695 |
| Fund Balance – Carryover | 3-100-419000-0010 | \$8,392 | School Division | 4-205-TBD | \$8,392 |
| Fund Balance – Carryover | 3-100-419000-0010 | \$29,916 | School Division | 4-205-61100-3161-300-009-000 | \$29,916 |
| Fund Balance – Carryover | 3-100-419000-0010 | \$8,400 | School Division | 4-205-62190-3161-900-000-000 | \$8,400 |
| Fund Balance – Carryover | 3-100-419000-0010 | \$17,227 | School Division | 4-302-094625-9301 | \$17,227 |
| Fund Balance – Carryover | 3-100-419000-0010 | \$863,885 | School Division | TBD | \$863,885 |
| Federal Funds | 3-100-331000-0040 | \$1,699 | Sheriff's Office | 4-100-031230-8201 | \$1,699 |
| Federal Funds | 3-100-331000-0040 | 510 | Sheriff's Office | 4-100-031230-8201 | \$510 |
| State Funds | 3-100-224010-0040 | \$2,400 | Clerk of Circuit Court | 4-100-021600-8207 | \$2,400 |
| Contingency Reserve | 4-100-091400-9618 | \$15,037 | Clerk of Circuit Court | 4-100-021600-1101 | \$11,176 |
| | | | | 4-100-021600-2100 | \$855 |
| | | | | 4-100-021600-2210 | \$1,026 |
| | | | | 4-100-021600-2310 | \$1,890 |
| | | | | 4-100-021600-2400 | \$90 |
| Contingency Reserve | 4-100-091400-9618 | \$20,417 | Registrar | 4-100-013200-1101 | \$15,750 |
| | | | | 4-100-013200-2100 | \$1,205 |
| | | | | 4-100-013200-2210 | \$1,446 |
| | | | | 4-100-013200-2310 | \$1,890 |
| | | | | 4-100-013200-2400 | \$126 |
| Fund Balance – Carryover | 3-100-419000-0010 | \$11,048 | Human Resources | 4-100-091400-9626 | \$11,048 |
| Local Building Permits | 3-100-133000-0008 | \$33,359 | Community Development | 4-100-081200-1101 | \$13,444 |
| | | | | 4-100-081200-2100 | \$1,028 |
| | | | | 4-100-081200-2210 | \$1,234 |
| | | | | 4-100-081200-2310 | 1,620 |
| | | | | 4-100-081200-2400 | \$108 |
| | | | | 4-100-081200-6033 | \$275 |
| | | | | 4-100-081200-8205 | \$15,000 |

| | | | | | |
|-----------------|-------------------|-------------|---------------------|-------------------|-------------|
| | | | | 4-100-081200-6012 | \$650 |
| Fire and Rescue | 3-270-419000-0010 | \$124,000 | Office of Emergency | 4-271-034100-8205 | \$124,000 |
| Fund Balance – | | | Services | | |
| Carryover | | | | | |
| Fire and Rescue | 3-270-419000-0010 | \$348,595 | Fire and Rescue | 4-271-032000-9998 | \$348,595 |
| Fund Balance – | | | | | |
| Carryover | | | | | |
| Contingency | 4-100-914000-9618 | \$5,000 | Parks & Recreation | 4-302-094720-8201 | \$5,000 |
| Reserve | | | | | |
| TOTAL | | \$1,601,688 | | | \$1,601,688 |

With no further business, the meeting was adjourned.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on December 17, 2001.

G. Robert Lee
Clerk